

City of Springfield
Regular Meeting

MINUTES OF THE SPECIAL REGULAR MEETING OF
THE SPRINGFIELD CITY COUNCIL HELD
MONDAY NOVEMBER 28, 2005

The City of Springfield council met in special regular session in the Council Meeting Room, 225 Fifth Street, Springfield, Oregon, on Monday, November 28, 2005, at 7:00 p.m., with Mayor Leiken presiding.

ATTENDANCE

Present were Mayor Leiken and Councilors Fitch, Ralston, Lundberg, Woodrow, and Pishioneri. Also present were City Manager Mike Kelly, City Attorney Joe Leahy, City Recorder Amy Sowa and members of the staff.

Councilor Ballew was absent (excused).

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Leiken.

SPRINGFIELD UPBEAT

CONSENT CALENDAR

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO APPROVE THE CONSENT CALENDAR. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST (1 ABSENT – BALLEW).

1. Claims
2. Minutes
3. Resolutions
 - a. RESOLUTION NO. 05-56 – A RESOLUTION AUTHORIZING THE CITY MANAGER TO AWARD COMPETITIVE BIDS AMOUNTING TO MORE THAN \$35,000 DURING THE PERIOD OF DECEMBER 7, 2005, TO JANUARY 8, 2006 WHILE THE CITY COUNCIL IS IN RECESS.
 - b. RESOLUTION NO. 05-57 – A RESOLUTION AUTHORIZING APPOINTMENT OF CYNTHIA PAPPAS AS INTERIM CITY MANAGER.
4. Ordinances
5. Other Routine Matters

ITEMS REMOVED FROM THE CONSENT CALENDAR

PUBLIC HEARINGS

1. Proposed Springfield Development Code (SDC) Amendments.

ORDINANCE NO. 1 – AN ORDINANCE AMENDING THE SPRINGFIELD
DEVELOPMENT CODE, ARTICLE 23 PLO PUBLIC LAND AND OPEN SPACE DISTRICT
AND ADOPTING A SEVERABILITY CLAUSE (FIRST READING).

City Planner Gary Karp presented the staff report on this item. The proposed SDC amendments are consistent with recently adopted Downtown Refinement Plan policies affirming the Public Land and Open Space (PLO) District as enabling legislation for the Justice Center.

The proposed amendments to SDC Article 23 are divided into three categories:

- 1) Revising the use list in SDC Section 23.020(2) “Government” to allow the uses that comprise the Justice Center and other specific uses along with minor siting standards exceptions specifically applying to setbacks, height, parking and fences in downtown Springfield.
- 2) Changing the approval process for uses listed in SDC Section 23.020(2) “Government” from Type III Discretionary Use (Planning Commission) to Type II Site Plan Review (staff). Currently, approval of all uses in SDC Section 23.020(2) requires Type III review. The Planning Commission recommended some proposed uses be reviewed under Type II procedure, but some should remain Type III.
- 3) Adding existing pedestrian amenity text from SDC Article 40 to SDC Article 23. These standards would be applied by staff during the Site Plan Review approval process. The proposed standards include sidewalks incorporating ornamental paving treatments, outdoor seating, additional landscaping, public art and pocket parks. These pedestrian amenity standards are consistent with recent amendments to the Downtown Refinement Plan which allows PLO zoned property in the Nodal Development Area and encourages pedestrian amenities in compliance with the Oregon Transportation Planning Rule.

At the public hearing, the Planning Commission voted (5-0, with 2 absent) to recommend adoption of the attached Ordinance to the City Council. The Ordinance includes the Planning Commission’s several revisions to the SDC amendments. However, during the preparation of the Ordinance, staff realized that there may be an unintentional consequence caused by requiring Type III Discretionary Use approval for fire stations, police stations, including jails, and public transit facilities. This issue is discussed in detail in Attachment 2 which suggests options for the City Council to either adopt the Ordinance as written or amend the Ordinance. If the City Council decides to amend the Ordinance, that amendment can be included in the second reading of the Ordinance.

Mr. Karp said that during the council’s work session, it was determined that the public hearing on this item would be opened and continued until Tuesday, January 17, 2006. Staff would go back to the Planning Commission to discuss the options and changes with them at the earliest convenience.

Mayor Leiken opened the public hearing.

1. Fred Simmons, 312 South 52nd Place, Springfield, OR. Mr. Simmons said the code development changes were an unequal treatment issue. He discussed the process with the American Legion Hall being a nonconforming use and that changes were now being made in

the Development Code in the same zone. He asked if there would be an opportunity on January 17 to make comments on the process. He had not read all of the changes and would like the opportunity to address that in January.

City Attorney Joe Leahy said the public hearing would be open and continued allowing time for testimony.

Mr. Simmons said there were some issues. He said he was supportive of the governmental use component for the jail, he thought there were some things that were being treated differently than others were treated.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO CONTINUE THE PUBLIC HEARING UNTIL JANUARY 17, 2006. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST (1 ABSENT – BALLEW).

The Mayor called for a change in the order of the meeting with Public Hearing 3 preceding Public Hearing 2.

3. Discounted SDC Charges in Downtown Area. (WENT 2ND)

RESOLUTION NO. 05-58 – A RESOLUTION MODIFYING AND EXTENDING THE PROGRAM OF DISCOUNTED SYSTEM DEVELOPMENT CHARGES IN THE DOWNTOWN AREA.

Technical Services Manager Len Goodwin presented the staff report on this item. The program of discounting SDC charges for development in the downtown area will expire on December 3, 2005. Council may choose to modify and extend the program or allow it to terminate.

In December 2000, the council adopted a program of discounted local SDC charges as an economic development stimulus. (The discount does not apply to regional sanitary sewer charges.) That program ran for three years. In November 2003, the council again evaluated the program and concluded it should be slightly modified and continued for another three year period. The 75 percent discount period is now due to expire, making it appropriate for council to consider the future of the program.

Attachment A shows SDC payments for properties in the downtown area and the discount against full SDCs received. In 2003, when the former discount of 50 percent was in effect there were a total of five developments which produced about \$14,000 in SDC revenue, with an equivalent amount not received because of the discount. Two transactions occurred under the 100 percent discount available during 2004. Had those developments paid full local SDCs the city would have received \$42,000. In 2005 the city received \$15,000 in local SDCs from 6 developments, and did not receive about \$45,000 because of the discount. The effect of the discounts represents about three percent of budgeted SDC revenue annually.

Based on this analysis, staff suggests two options for council to consider. The program could be modified to continue the current 75 percent reduction for another two years, to be followed by a year of 50 percent reduction. An alternative approach would be to provide for a restructuring to repeat the prior action – with a 100 percent reduction for one year, followed by one year at 75

percent and a final year at 50 percent. Staff has attached a draft resolution to accommodate the former approach, since that would seem to create the least chance that those who developed in the past 12 months would feel concerned that their early action adversely affected them. Council should feel free to suggest that resolution be amended if they prefer the alternative approach.

Councilor Lundberg said many people didn't understand the credits and what part of the downtown they could be applied. Public education would be beneficial. She said the purpose of the credits was to encourage people to use the program.

Councilor Fitch agreed. She said there was a number of spaces downtown that could be utilized to a higher degree. If the property owners knew they could invest and not have large SDCs they would be very appreciative. She agreed it should be continued at the 75 percent reduction for the next two years, followed by the 50 percent reduction.

Mayor Leiken opened the public hearing.

1. Terry McDonald, 3060 Whitbeck, Eugene, OR. Mr. McDonald said he worked with St. Vincent DePaul. He said St. Vincent was currently at 75 percent, but if someone came in and received a 100 percent credit, it would be fine with him. He said the idea was to encourage development in downtown and that could be very hard and expensive. He said he felt the completion of the new St. Vincent building would be a catalyst to move things forward. He encouraged council to go with a 100 percent reduction the first year, followed by a 75 percent reduction the second year and a 50 percent reduction the third year, with the intent to spur people forward.

Mayor Leiken closed the public hearing.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO ADOPT RESOLUTION NO. 05-58 AS PRESENTED BY STAFF. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST (1 ABSENT – BALLEW).

2. Rabies Vaccination Reporting to Lane County Health Administrator.

ORDINANCE NO. 2 – AN ORDINANCE CONSENTING TO THE APPLICATION OF LANE COUNTY ORDINANCE NO. 19-04 WITHIN THE CITY LIMITS OF THE CITY OF SPRINGFIELD TO REQUIRE THE VETERINARIAN PERFORMING A RABIES VACCINATION OF ANY DOG TO TRANSMIT A COPY OF THE RABIES VACCINATION CERTIFICATE TO THE LANE COUNTY HEALTH ADMINISTRATOR (FIRST READING).

Police Chief Jerry Smith presented the staff report on this item. On December 12, 2004 Lane County adopted an ordinance which requires veterinarians to report to Lane County Animal Regulation Authority (LCARA) information regarding dogs that receive rabies vaccinations. LCARA then uses that information to check that dogs receiving vaccinations also have County dog licenses, and if not, to enforce compliance.

We have received a letter from LCARA requesting a resolution from Springfield Council enabling enforcement of that ordinance in Springfield. Although the details are not yet in writing,

it is our understanding that LCARA wishes to take over sole responsibility for licensing dogs, and that revenue from that licensing could be split with the city on roughly a 60/40 basis, with 40% coming to the City of Springfield. LCARA believes that this program will greatly increase licensing compliance.

Captain Rick Lewis of the Springfield Police Department has participated on a county animal control work group over the last two years and reports that local veterinarians are generally opposed to this approach to license enforcement.

Council discussed this issue at the October 10, 2005 work session and requested it be returned for public hearing.

The City of Springfield is currently responsible for licensing dogs and historically generates between \$16,000 and \$22,000 annually although this last year the city generated approximately \$25,000. That revenue is used to offset the \$42,000 annual contract for animal shelter services at LCARA.

Chief Smith noted that Mr. Wellington, Program Manager for LCARA, was in the audience and was available for questions.

Councilor Woodrow asked how much money the city would lose if this resolution was adopted.

Chief Smith said the city would not lose any money unless the city chose to turn over the licensing of dogs to Lane County. If that occurred and there was a fifty/fifty split between the county and the city, there would need to be approximately a 50 percent increase in dog licensing to break even with the current licensing strategy that was currently employed. He said the revenue that came in under the Springfield licensing at this time was used to offset shelter costs that were paid to Lane County.

1. Starly Pupke, 28364 Restwell Road, Eugene, OR. Ms. Pupke said currently with Springfield using the voluntary system, there was only twelve percent compliance in dogs being licensed. She said if all the vets reported the rabies vaccination, Springfield might gain a lot even if they had a fifty/fifty split with Lane County. She said the voluntary system was not enough. She read from a statement she had written. She said she supported any action to bring people into compliance with the law, especially since the lives of dogs depended on this. She said there needed to be a better return rate of pets to their owners and less euthanasia. She said she volunteered at the spay and neuter clinic and was part of a Blue Star rescue that rescued animals out of LCARA. She said she worked with the staff at LCARA, including Mike Wellington, and said she appreciated everything he had done. She said Eugene passed this ordinance last March and had licensed 2000 more dogs since it was adopted. She said when dogs were picked up in Springfield with no identification for immediate return to their owner, the officers radioed into the LCARA shelter, which was always full. She said dogs were euthanized at times to make space for more incoming dogs, especially if the dog had a problem that was an overwhelming negligence or abuse case that needed to be held for court or for three days before they could be euthanized. She said she supported the ordinance. She did not believe in raising taxes for pet food, but believed that all pet owners should be brought into compliance.

2. Ann Jensen, 1642 North Danebo, Eugene, OR. Dr. Jensen said her veterinarian practice was in Springfield so this ordinance would affect her. She said she licensed her dogs. She said there were a lot of people in Springfield and Eugene who were terrified of any official agency knowing how many dogs they owned. She discussed the limits for both Eugene and Springfield. She said a year or so ago, there was an interview of the animal control officer, who stated that the high point of her day was finding someone out of compliance. Ms. Jensen referred to another case where there were too many dogs in a household in Eugene, and someone took in some of the dogs as an adoptive family. She felt that if this ordinance were passed, people would not get rabies shots for their dogs because they would not want to put their dogs at risk of being ordered to be euthanized. She said the risk of rabies was less than the risk of being cited.
3. Angie Boggs, 1202 Quinalt, Springfield, OR. Ms. Boggs said she opposed this ordinance. She felt it violated the privacy between the veterinarian and the patient. She agreed dogs should be licensed. She did not feel the vets should do the work if Lane County wanted to enforce. The county should do the work, not the veterinarian.
4. Dr. Kelli Rosen, Cascade Animal Clinic, 671 W. Centennial Blvd, Springfield., OR Dr. Rosen said she was opposed to this ordinance because of the impact of additional work for the veterinarian offices and because of clients who do not want their information released for a number of reasons. She said many were police officers who do not want their home addresses, names and numbers put out there. There was no stipulation any of that would be protected. She said she had many clients that had more than the legal amount of dogs who would not bring their dogs into the clinic knowing they would be turned in to LCARA. She said Mike Wellington had been very gracious and said he would not use this for enforcement, but he would not be at LCARA forever and the person who came in to take his place may not hold that same opinion. She said she hoped council did not pass this ordinance because her number of rabies vaccinations from clients living in Eugene had increased dramatically because they did not want the rabies vaccination reported. She said she had practiced in Marion County where they went door to door to bring about compliance and had a lot of success. She said it might work better to go door to door rather than having the veterinarians report the vaccinations. She said mail-in licensing should also be encouraged. She said in Marion County the rabies certificate had a license application attached with information on where to send the application.
5. Cynthia Sinclair, 220 5th Street, Springfield, OR Ms. Sinclair said Oregon statute already provided that if you had a dog you must license the dog. In order to have a license, you must have a vaccination. She said the only change in the ordinance was that the veterinarians would be reporting the rabies vaccination. She discussed the low compliance with the voluntary system. She discussed the impact of over crowding at the LCARA shelter. She said the kennels were full because people did not pick up their dogs and these dogs continued to breed other dogs. She said vicious dogs were sometimes released again because there was no room at the kennel or good dogs were euthanized to make room. She said until people were forced, there were many people who would not comply voluntarily. She said if pet owners in Eugene were now licensing because they were afraid of a citation, then the goal was being met. She said every other jurisdiction that had started the program had retained the program. She said the ordinance could include language stating that the zoning or code laws could not be used for enforcement.

6. Rita Castillo, 6825 F Street, Springfield, OR. Ms. Castillo discussed the issue of animals that were euthanized because there was no room at the pound. She said she spoke for herself and for all the dogs that couldn't speak for themselves because they were dead. She said she lived in Springfield and most of the opponents did not live in Springfield. She noted that it was already law and was passed by Eugene and Lane County and she felt Springfield should also pass it. Ms. Castillo submitted documents that were distributed to the Mayor and council. She discussed the documents which included an article about a girl who had to defend her chihuahua against a pit bull that had no license and an article about bird flu. She discussed the testimony at the Lowell council meeting regarding rabies treatments. One of the documents distributed explained current rabies treatments and reactions from that treatment. She said the last document included questions and answers about the rabies vaccination reporting ordinance. She said she did not feel it was a privacy issue. She noted the information that the Department of Motor Vehicles (DMV) had on people. She felt it was lazy, greedy people who were not licensing their pets.
7. Scott Bartlett, 1445 East 21st Ave., Eugene, OR Mr. Bartlett said council had an opportunity to pass an ordinance that could save lives. Mr. Bartlett was the chairman of the Lane County Animal Regulation Task Force which met for fourteen months. The task force included Springfield residents, Captain Rick Lewis, Judge Sinclair, scientists, veterinarians, animal control, animal rescue and lay citizens. He said ten years prior to this report, it had been reported that 30,000 dogs and cats were euthanized. The task force looked at a number of things they could do to make an impact that would not be intrusive. He said they found that eighty-three percent of dogs in Lane County were not licensed. Unfortunately because there were so few kennels and Lane County had been derelict, they had not built a new kennel since 1978. There were now only eighteen kennels for a county the size of Connecticut. He noted a visit he made to Mr. Wellington at LCARA when a dog came in that was noted as having significant health problems. He said the dog was euthanized and when he called to inquire about the significant health problems, he was told the dog had flea problems. Three days after the dog was euthanized, the caretakers for the owners that were out of town came by looking for the dog and were told it had been euthanized. He said that happened all too often. He said he spoke with Springfield Animal Control Officer Tracy Neal and asked her if she would support this ordinance and she said she would if it would increase licenses in Springfield. Mr. Bartlett said he didn't care if LCARA had the contract. If this ordinance were passed, the number of licenses and revenue would be tripled. He said if he were a councilor he would have Springfield do it. He discussed other states that enacted statewide ordinances requiring veterinarians report in triplicate forms and in seven years decreased euthanasia and impounds by seventy-five percent. He said children needed vaccinations in order to enroll in school. He said Springfield should provide leadership and he asked that they do something. He said he would be happy to answer any questions privately.
8. Carol Titus, 29936 Kelso Avenue, Eugene, OR Ms. Titus said she was the office manager for Cascade Animal Clinic in Springfield. She noted the work done by Mr. Bartlett and the task force and recognized that Mr. Bartlett was truly touched when the black lab was euthanized. She noted other people that had to euthanize their pets, however, not because they were vicious or because there wasn't room at the kennel, but because the owner had too many. She said the number limit was the issue that caused the most grief. She said if someone had more than the numbers allowed and they knew the veterinarian would turn them in, they would have difficulty in making the decision whether or not to vaccinate their dog. She said Springfield would not be able to make those changes yet. She asked how people in

Springfield could have three dogs and people in Eugene could only have two. She said that issue needed to be addressed. She said she wanted to see that people continued to vaccinate animals. She agreed that children get vaccinated, but the doctors didn't give out the information, the parents did. The only thing doctors were allowed to report was abuse.

9. Lorraine Still, P.O. Box 1213, Creswell, OR Ms. Still asked council to reject the application of Lane County ordinance 19-04, mandatory rabies reporting for the City of Springfield. She said a letter was sent to the incorporated cities in Lane County in August 2005, requesting cities to approve a resolution consenting to the application of mandatory rabies reporting inside their city limits. She said the cities of Oakridge, Lowell, Creswell and Cottage Grove rejected this request. She noted that the letter clearly stated that two of the goals of mandatory rabies reporting were to increase license compliance and increase revenue. She said in an article appearing in today's Register Guard, the director of LCARA was quoted as saying that mandatory rabies reporting had nothing to do with revenue or license sales, but was mainly for a database of inoculated dogs in Lane County, and was about health and public safety. She said if health and public safety was truly a priority, where was LCARA when two year old Jett Gardner was mauled by a friend's dog. While paramedics took Jett and his parents to Sacred Heart Medical Center, the owners of the dog contacted LCARA to have an officer take the dog away. The owner was unable to get the dog out, but was told by LCARA that no one was available to come out. They advised the owners to get control of the dog, quarantine it and bring it in on Tuesday, two days later. She said the owners of the dog were alarmed by this and had the dog destroyed by a neighbor. She said that was a prime example of a possible rabies situation, which would warrant LCARA's immediate attention, yet LCARA shifted the responsibility. She asked if mandatory rabies reporting was truly about health and safety.
10. Jack Dresser, 38131 McKenzie Hwy., Springfield, OR Mr. Dresser said he had already testified on this subject before the Lane County Commissioners and the City of Eugene City Council. He said Lane County had forty-four percent more animal than they had households. He said dogs had been invited into our communities for many years and people had a deep responsibility to take care of them. He discussed a dog that was rescued near the University that did have a dog license, but was from Olympia, Washington. He said Greenhill was notified and was able to locate the owner in twenty minutes. He referred to the article in the Register Guard regarding the pet owners who had recently moved to Oregon from Los Angeles who didn't know they needed to license the dog here since it was licensed in LA. He said money was part of the issue and this would bring in more money, but it was also about health. When someone was bitten by a dog, you wanted to know if that dog had a rabies vaccination. He referred to the increase in the number of those who were now getting their dog licensed since this ordinance had been put into affect in Lane County and Eugene. He discussed the increased revenue brought in by this. He said one of the objects was to reduce euthanasia. He discussed other ways the money raised by licensing could be used.
11. Diana Robertson, P.O. Box 41462/871 River Road, Eugene, OR. Ms. Robertson said she represented Shelter Animal Resource Alliance (SARA), a local non-profit organization that rescued, assisted and advocated for sheltered animals in the area. She said they had rescued many dogs and cats in Springfield. She said she was in favor of the proposal. She said, however, that she would not want to see this ordinance used to enforce limit laws. There were many people who rescued animals or cared for older or disabled animals and those people who did so in a responsible way should not be punished. She said most citizens

wanted good government and a safe community and would welcome the opportunity for a convenient mail-in registration for their dogs if presented in a positive way. She said SARA had about 200 supporters in the Springfield area concerned about animal welfare in Springfield and Lane County. She said they did support this measure with the reservation that it not be used to enforce limit laws.

12. Dr. Roberta Boyden, 1568 Fairmount Blvd., Eugene, OR. Dr. Boyden said she was a veterinarian with clients in Springfield and her husband was employed in Springfield. She said she had sent a letter of support for this code change to the Mayor and council in October. She said she had spent countless hours volunteering to try to find ways for the community to help animals and deal with animal related issues. She served as a member of the LCARA task force and along with the other task force members spent months researching and looking into other communities' organizations for working solutions to the pet overpopulation problems. She said Lane County had approximately 40,000 homeless cats and dogs and an additional 54,000 pets that were owned by people who lived at or below poverty level. She said most of those did not have access to spay or neuter or even basic veterinarian care. She said they were recommending and supporting this code because it had great potential to help our community to provide a consistent funding source for LCARA, which would provide the services to the community including housing and adoption of stray animals, housing and return of lost animals, responding and investigating animal bites, abuse and neglect and educating the community. She said both the City of Eugene spay/neuter clinic and LCARA provided spay/neuter vouchers to qualifying low-income families as a result of the rabies reporting revenue. She said it would increase the number of licensed dogs, which would save everyone cost and stress. Dogs with a license could be identified by any county office who could contact the owner, greatly decreasing the need for impounding. Dogs with licenses stood a far better chance of getting home if they were impounded, rather than risk death if they were not claimed or adopted. She discussed the probono clinic, which provided veterinarian service to homeless clients for their pets. Before the rabies reporting, those people had not received licenses. She said rabies reporting was the norm, not the exception, across the United States. She discussed the advantages. She asked council not to be swayed by a small minority whose agenda was to protect their own personal interests of not obeying current laws of pet licensing and ownership. She distributed some rabies certificates that showed the amount of information that was provided.

13. David Calderwood, 28104 Spencer Creek Road, Eugene, OR. Mr. Calderwood distributed his testimony. He said one of the goals of Springfield was to expand the economy through commercial development which creates family wage jobs. Because of this, Springfield was known as being business and growth friendly. Mandatory rabies reporting was not consistent with those goals. He said previous testimony showed that veterinarians were losing business by clients going to other areas for their rabies shots, and he said that would happen in Springfield if the ordinance was passed. He said according to the LCARA presentation to council, if Springfield adopted this and allowed the county to sell licenses, Springfield would lose money even with the increase of the projected thirty-six percent. He said he believed LCARA wanted this passed for information. He said LCARA had denied that any of this information would be made public. He referred to a letter from an attorney which stated that this was a conditional exemption. He discussed an article in the Register Guard where a pet owner who did not license her pet was made public. He quoted from the article regarding additional information that was provided to the Register Guard. He referred again to the article and the section on public health and safety. He questioned the comment that it was not

for revenue. He referred to an article in the Springfield News which stated that this ordinance would increase licenser compliance according to LCARA officials. He said according to confirmable data, Oregon had not had an Oregon contracted case of rabies for thirty years. He referred to testimony by veterinarians which stated that the system worked now. He said it was not needed for public health and safety. He referred to a survey which showed this was not the norm across the country. Thirty states did not require it. He referred to document showing the number of dogs euthanized. He said those numbers had been dramatically dropping since 1989. He said nothing needed to change for those numbers to drop. He asked that council make their decision on verifiable data, not emotional testimony.

14. Carolyn Hancock, 2663 Nova, Springfield, OR Ms. Hancock said she was opposed to the mandatory rabies reporting. She said others she had talked to in Springfield were shocked that Springfield would turn its rabies reporting to Lane County. She said Springfield was an independent community and did their own thinking and considered and listened to the people that lived here. She appreciated council's time.
15. Rochelle Jones, 1054 54th Place, Springfield, OR Ms. Jones said she was a Springfield resident and worked for LCARA to administer rabies reporting notification. She said that out of the three thousand letters mailed out, seventy percent of the dog owners had complied without question. She said she received phone calls from ten percent. She said most of those that called didn't know they needed to license their dog, and the others thought their rabies tag was their dog license. She said once that was clarified, and they were told the benefits of licensing their dogs, they were more than willing to get the license. She said out of the three thousand, she had two people tell her they would not license their dogs. Those dogs were over fifteen years old and the county did not cite them or go after them. She said no one had told her they would stop getting rabies vaccinations, although a couple of people said they would go to Linn County to have the rabies vaccination. She said she had been to all the city council meetings and she noted that those opposed were all fighting complying with ordinances that were already in place.
16. Curt Daly, 1104 T Street, Springfield, OR Dr. Daly said he was a veterinarian in Springfield and had heard from many clients regarding licensing their dogs. He said another big issue was that the license needed to be on the dog's collar and the dog needed to have the collar on when it got out. He said if a child was bitten by an animal that could be carrying rabies, and there was no identification to know if the animal had been vaccinated, he would take the child in for post exposure rabies treatments. If this was a public health issue, that was one thing, but if this was a compliance issue, they needed to find a better way.
17. Jan Shelton, 4055 Royal Ave. #134, Eugene, OR Ms. Shelton said she lived in Eugene, but hopes to use a Springfield veterinarian for her dogs. She relayed three stories. She said she got her first dog from people that had over the limit and had taken their dogs to a rabies vaccination clinic. Their pictures were taken and put in the Register Guard. Those owners were told they would need to get rid of the excess dogs. She was given the dog so it would have a way to live. Ms. Shelton discussed the limit regulations. She said she had friends with four dogs, all vaccinated and two were licensed. Because she had one dog, they registered one of their dogs in her name and the fourth was never registered. She said her eighty-six year old mother had a dog that died and she started declining without an animal companion. Ms. Shelton adopted a dog for her mother, but her mother chose not to register,

inoculate or license her dog because she knew that her dog will outlive her and Ms. Shelton would then have a third dog, which was over the limit. She said this had impacted her life.

18. Janetta Overholser, 30300 Cottage Grove Lorane Road, Cottage Grove, OR Ms. Overholser said she was part of the task force that put together these recommendations. She encouraged council to go out to LCARA and listen to the phone calls and the situations officers had to deal with. She said they would then understand the enormity of the problem. She said this may not be the way to address it, but something must be done. She said in the 1970's, LCARA had over twenty personnel, and they now had thirteen. The population of both people and animals in the county had increased dramatically. She said there were situations when LCARA staff was needed because they had the training and a way to fund that needed to be found. More space was needed. She said there was rabies in Lane County because there were bats that had tested positive for rabies. All were working for the betterment of the animals. She said the limit laws may need to be addressed, but one part of the solution should not be thrown away. She discussed a situation where someone had been bitten on the leg by a dog and needed to know where to go and how to address the situation. She said people did have vicious dogs, and there must be a way of controlling that. If this way brought in more money, so be it. She said perhaps Springfield should start their own Humane Society and their own shelter if they wanted to be independent. She said part of the revenue from licenses went to spay/neuter programs. She discussed the stray cat alliance and the number of calls they received from Springfield residents. She said this would be one way to address this issue.

Mayor Leiken closed the public hearing.

Mayor Leiken said this was a first reading and no action would be taken. He asked when this item would be coming back for consideration.

Mr. Kelly said it was not officially scheduled, but would be scheduled when council asked to have it brought forth for consideration.

Council consensus was to bring this back for council consideration on January 17, 2006.

Mayor Leiken thanked those that came to testify and appreciated their testimony.

City Attorney Joe Leahy said citizens had an opportunity to send in material for council to review and read before the January 17 meeting. He asked if council would make a decision before or after the public portion.

Mayor Leiken said his preference was to schedule it prior to the Business from the Audience portion of the January 17 meeting. There had already been a lot of public testimony and written information submitted to the Mayor and council. He said he felt council could make a deliberate action at that meeting. Written testimony would be accepted up to January 11, 2006 for that packet.

Councilor Ralston said he would like information regarding why bats with rabies were mentioned and what relevance that had to this issue.

NO ACTION REQUESTED. FIRST READING ONLY.

BUSINESS FROM THE AUDIENCE

1. Fred Simmons, 312 S. 52nd Place, Springfield, OR. Mr. Simmons spoke regarding the Springfield Economic Development Agency (SEDA) loan. He said he was opposed to the loan on the basis of the projected revenue for the loan if the full \$1.5M was taken out. There was not a sufficient revenue stream identified to pay that loan. He said smaller projects could be done at \$50,000 that would come in with tax increment financing. He said looking at the loss of revenue in the general reserves and transferring that benefit into the urban renewal district, it would not return to the city for sixteen or seventeen years. He compared it with him granting a loan to someone with no assets. He said there was no opportunity to address the viability and security issue. The only thing in the agreement was that the money received from tax increment financing would be dedicated to repaying that loan. He said the funds already advanced through the Economic Development fund would not be repaid. He said it was a loan that had questionable security, not to say it wasn't a wise investment for the community, but when making loans such as this, there should be some surety that the loan would be paid with interest.

Councilor Woodrow said this was more like a line of credit. He said SEDA would not take any money from the city unless there was a specific project or purpose the money would be used for.

Mr. Simmons said he understood the legal and lawful requirement for the acceptance of the money on the part of SEDA. He said he also knew it was a progressive line of credit, but what was being established was a line of credit, which could be used for whatever lawful purpose. He said even with a line of credit, adequate resources to repay it needed to be identified. He said he understood what Councilor Woodrow was saying, but Mr. Simmons could not find sufficient resources identified to grant the full \$1.5M.

COUNCIL RESPONSE

CORRESPONDENCE AND PETITIONS

BIDS

ORDINANCES

1. Springfield Natural Resources Study.

ORDINANCE NO. 6150 – AN ORDINANCE ADOPTING THE SPRINGFIELD NATURAL RESOURCES STUDY; AMENDING THE SPRINGFIELD DEVELOPMENT CODE TO INCLUDE PROTECTION MEASURES FOR IDENTIFIED NATURAL RESOURCE AREAS (WETLANDS AND RIPARIAN) – ARTICLE 31 MINIMUM DEVELOPMENT STANDARDS AND SITE PLAN REVIEW STANDARDS, ARTICLE 34 PARTITION STANDARDS, AND ARTICLE 35 SUBDIVISION STANDARDS; AND ADOPTING A SEVERABILITY CLAUSE.

City Planner Mark Metzger presented the staff report on this item. The Springfield Natural Resources Study (Study) provides the analysis required by state rules for Goal 5 wetland and

riparian planning. The Study also recommends a package of protection measures that will be embodied in Article 31—Site Plan Review and other sections of the Springfield Development Code if this ordinance (Attachment 1) is approved. At issue is whether the recommended approach and the protection measures in the ordinance are appropriate.

At the public hearing on November 7, 2005, Roxie Cuellar, representing the Homebuilders Association of Lane County presented testimony recommending amendment of two provisions of the protection program. In response to the testimony, clarifying text has been added to two of the protection measures. The changes are shown below.

(5) (b) The following uses and activities shall be permitted within a locally significant wetland or riparian natural resource protection area...

5. Removal of non-native vegetation, if replaced with native plant species ~~at a similar coverage or density so that native species dominate~~, at a density that prevents soil erosion and encourages the future dominance of the native vegetation.

10. Replacement of a permanent, legal, non-conforming building or structure in existence as of the effective date of this Section with a building or structure on the same building footprint, if it does not disturb additional area, in accordance with the provisions of Article 5, Non-Conforming Use. Access to and around the building footprint shall be allowed as needed for the delivery of building materials and reconstruction, but this access shall not cause unnecessary disturbance to vegetation within the resource protection area. Land within the resource protection area that is disturbed by reconstruction shall be restored to its original condition.

The Homebuilders Association also raised a more general question about Eugene-Springfield's supply of buildable residential land. It is not within the purview of this study to provide a comprehensive buildable lands inventory. However, additional documentation responding to the issue is in the record and is listed on Attachment 2. The information does not change any of the analysis, protections or policies set forth in the Springfield Natural Resources Study.

Mr. Metzger discussed some of the additional documents that supported this ordinance.

Mayor Leiken commended staff on their work on this report.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO ADOPT ORDINANCE NO. 6150. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST (1 ABSENT – BALLEW).

BUSINESS FROM THE CITY COUNCIL

1. Committee Appointments

a. Arts Committee Appointment.

Librarian Barbara Thompson presented the staff report on this item. The Arts Commission will have three vacancies on its board due to the December 31, 2005 term expirations of members Scott Wylie, PJ Sargeant, and Don Durland. Mr. Wylie and Ms. Sargeant have both served two

terms and are not eligible to re-apply for membership. Mr. Durland has served one term and is eligible to re-apply.

In response to the news release of October 10, 2005, the Arts Commission has received five applications to fill three vacancies. The Arts Commission reviewed all applications and met with the five applicants during its regular November 14 meeting. At that time, Betty Adams asked that her name be withdrawn from consideration, because she decided she could not give the commission the time it requires.

The Arts Commission recommends that Don Durland be re-appointed and that Charlene Eckman and Robert Winkelman be appointed to the commission, with terms to expire December 31, 2009. Don Durland is eligible to serve another term. The Arts Commission has found him to be a valuable member. Ms. Eckman is a retired classroom and art teacher with extensive experience teaching art to children as well as experience with fund raising for non-profits. Mr. Winkelman is a photographer and a downtown business owner with experience in both the arts and in marketing.

Ms. Andrews is a musician with experience in the performing arts. The commission believes her skills will be most useful in the future when the Performing Arts Center is functioning. The commission will encourage her to re-apply for a future vacancy.

The commission believes all applicants are eligible and well qualified to serve on the Arts Commission. The council is requested to review the Arts Commissions' recommendations at the Work Session. Council is requested to appoint three candidates at the Regular Session tonight, November 28.

MOTION: IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO APPOINT DON DURLAND, CHARLENE ECKMAN AND ROBERT WINKELMAN TO THE ARTS COMMISSION WITH TERMS TO EXPIRE DECEMBER 31, 2009. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST (1 ABSENT – BALLEW).

2. Business from Council

a. Committee Reports

1. Councilor Fitch said Mayor Leiken would be bringing Senator Smith to the Wildish Theater on Tuesday, November 29 to present an enlarged check replica for \$300,000 from VA HUD for work on the theater. She said it would be a quick trip because Senator Smith needed to be in Cottage Grove that afternoon. She thanked Mayor Leiken, staff and the Senator's staff for all the work in securing this funding. This would help to continue the revitalization of downtown. Springfield Renaissance Development Corporation was always looking for ways to close the funding gap to finish the theater so it could be opened by the fall of 2006 to allow the Arts School to open.

Mayor Leiken said Congressman DeFazio would also be attending the event to show his continued support for this project.

2. Councilor Woodrow reminded everyone that the Springfield Holiday Parade would be held Saturday, December 3 at 2:00pm. The Tuba Carole Concert would be held in the Museum Parking lot at 1:00pm. He said the Master of Ceremonies would be John Fischer and the Grand Marshall for this year's parade would be City Manager Mike Kelly.
- b. Appoint Councilor Lundberg to the Willamalane Citizen Advisory Committee (CAC) for System Development Charges (SDC) Update as a City Council Representative.

Mayor Leiken appointed Councilor Lundberg to serve on the Willamalane Citizen Advisory Committee (CAC) for System Development Charges (SDC) Update as a City Council Representative.

BUSINESS FROM THE CITY MANAGER

1. Justice Center Functional and Space Program.

Project Manager Carole Knapel presented the staff report on this item. On July 5, the City Council approved a contract with Liebert and Associates for the development of a Functional and Space Program for the Justice Center. The Program was necessary to document the requirements for the Police Department, Municipal Courts and City Jail. The work was to be completed by January 2006 for a cost of \$93,600. The Draft Program was completed approximately two months early with a cost savings of approximately \$10,000.

Staff reviewed the Draft Program with the City Council on November 7. At that time, council had questions regarding the inclusion of a maintenance bay in the outbuilding. This bay has been provided for police staff to use for gathering evidence from vehicles. The staff will also be able to use this space for cleaning out police vehicles or doing minor repairs which can be done without taking the vehicle off site. Council also requested more information regarding the cost per square foot for the jail and courts used for the construction cost estimate. These estimates are based on national averages for buildings of similar types and sizes. Costs for these types of buildings are higher than for commercial buildings due to security requirements in construction methods and security features in the facility. Staff will present more detailed information on typical construction costs at the council Meeting.

Additionally, at the November 7 work session, staff briefed the council on the following policy issues, which will ultimately affect the internal design and operations of the facility:

- Use of Bail Only Release
- Housing Offenders with Medical Issues
- Charging Practices
- Good Time Credits
- Jail Alternatives
- Housing Women
- Leasing Beds

Staff is recommending that a Task Force, comprised of the Assistant City Manager, the Police Chief, the Municipal Judge, the City Prosecutor, the Finance Director, and a council representative, be formed to discuss, evaluate, and make recommendations to the council on these policy-related issues. Task Force recommendations and decisions would form the basis for future

Justice Center policies and procedures. It is anticipated that this work would be completed in approximately one year. At that time, the council can decide whether to extend the work of the Task Force to include ongoing operational issues.

Ms. Knapel said the program had been developed with the input of the Police Department, Courts, Prosecutor's Office, and had been reviewed by city staff and the Citizen Advisory Committee. Staff asked council to approve this as the basis for design of the new Justice Center Facility. This item was also discussed during the work session earlier in the evening.

Mayor Leiken said staff did a great job. He also thanked staff for answering the question regarding the cost per square foot.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO APPROVE THE FUNCTIONAL AND SPACE PROGRAM FOR THE JUSTICE CENTER FACILITY. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST (1 ABSENT – BALLEW).

Councilor Woodrow thanked Mr. Liebert.

2. Loan Agreement with Springfield Economic Development Agency.

RESOLUTION NO. 05-59 – A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT TO ADVANCE \$1.5 MILLION TO THE SPRINGFIELD ECONOMIC DEVELOPMENT AGENCY FOR COSTS OF URBAN RENEWAL PROJECTS.

Community Development Manager John Tamulonis presented the staff report on this item. In May 2005 the SEDA Board approved a resolution requesting the City Council provide a \$1.5 million loan to the urban renewal agency out of the city's Economic Development Reserves. SEDA has approved the attached loan agreement for City Council consideration, proposed some minor adjustments, and requests approval in conjunction with the attached council Resolution. City Council adopted a budget that included the potential funding of a \$1.5 million loan to SEDA.

Within the resolution (Exhibit A of Attachment A) is the proposed loan agreement from the city's Bond Counsel. SEDA proposes unanimously the following minor changes to the terms:

- (1) Replace the term "compounded monthly" in Section 2.3 with the term "accrued monthly."*
- (2) Replace the phrase "Washington County, Oregon" in Section 3.5 with the phrase "Lane County, Oregon."*
- (3) Replace the term "will may" in Section 2.1 with "will."*
- (4) Add the phrase "or operating expenses" to Section 1.2.C.*

The loan's conditions and terms would then be similar to a 'line of credit' from the city to SEDA for budgeted projects and administrative costs. Both the City Manager and SEDA would need to agree to finalized terms before SEDA accepts the loan. SEDA intends to be ready with necessary funding and be able to respond to development proposals and other opportunities should the SEDA Board decide to take any actions in FY 2005/06 requiring substantial funding. The draft

loan agreement includes terms and conditions that might be negotiated, including, for example, interest rate adjustments (e.g., match City's annual 'cost of funds'), repayment terms, security, and advances.

Prior to requesting any loaned funds, SEDA would likely approve by Board action the specific amounts to be borrowed from the city within the loan agreement.

Mr. Tamulonis noted one minor change as recommended by the bond counsel to item number four listed on the agenda item summary (AIS)

(4) Add the phrase "~~or operating expenses~~ project related administrative expenses authorized by law." to Section 1.2.C.

Mr. Tamulonis said this would allow the City Council to loan funds to the SEDA, which was already in the city budget for the year. Those could be repaid over time. Once the above listed changes were approved by council, they would be taken to the SEDA Board for approval of the final form of the agreement.

Councilor Woodrow said he would like to change the wording in Section 2.3 to read "to pay accrued interest".

Mr. Tamulonis said that change would be made.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO ADOPT RESOLUTION NO. 05-59 AS MODIFIED WITH THE CHANGES. THE MOTION PASSED WITH A VOTE OF 5 OR AND 0 AGAINST (1 ABSENT – BALLEW).

3. Justice Center Architect – Contract Approval.

Project Manager Carole Knapel presented the staff report on this item. On October 3, 2005, staff presented the recommendation of the Architect Selection Committee. The committee recommended Robertson Sherwood as the top-ranked firm. Council authorized staff to begin negotiations with the top-ranked firm, Robertson Sherwood. The city's negotiation team includes Cynthia Pappas, Dan Brown, Bob Duey, Dave Puent, Carole Knapel, Susanna Julber and Joe Leahy. The team has met weekly to discuss the contract terms and fee. The contract includes the provisions as required in the Request for Proposals. The Architect will prepare up to four site options for the facility. These options will be reviewed by the Community Advisory Committee and staff. The options will then be presented to the City Council for the final decision regarding the site and massing of the facility. The Architect will design the facility in a manner which will accommodate phased construction so that the city can determine whether to construct the facility in a single phase or in two phases. The Architect will participate in the public involvement process by meeting regularly with the Community Advisory Committee, by participating in community workshops and presentations and by providing materials for displays and Web-based publications. The design of the facility will incorporate sustainable design and energy saving opportunities in order to ensure that the facility is as efficient as possible to operate.

The city's negotiation team has reviewed the original fee proposal and requested some revisions. The negotiation team recommends a fee of \$2,087,000 plus reimbursable expenses in the amount of \$46,700. Attachment B provides a breakdown of these costs.

Councilor Woodrow thanked Ms. Knapel for her work on this contract. He addressed Robertson and Sherwood and stated that as important as this facility would be, he hoped the architect realized how important it was to the community and to the architect. It would really be a site in Springfield and the city was counting on the architects' experience and professionalism to make sure that was what it would be.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO APPROVE THE CONTRACT WITH ROBERTSON SHERWOOD IN THE AMOUNT OF \$2,087,000 PLUS REIMBURSABLE EXPENSES OF \$46,700 FOR DESIGN SERVICES FOR THE JUSTICE CENTER FACILITY AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE CONTRACT. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST. (1 ABSENT – BALLEW)

4. Interim City Manager.

Mr. Kelly noted a couple of items that were on the Consent Calendar. He said council had approved the resolution authorizing the City Manager to award competitive bids and contracts while council was on recess and he wanted to point out that the term City Manager included Interim City Manager. He said council had approved the appointment of Cynthia Pappas as Interim City Manager effective December 6. He said he would like that to be effective at 5:00pm on December 6, as he had planned on December 6 to be his last day.

Council agreed.

BUSINESS FROM THE CITY ATTORNEY

ADJOURNMENT

The meeting was adjourned at 8:21 p.m.

Minutes Recorder Amy Sowa

Sidney W. Leiken
Mayor

Attest:

City Recorder